

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
WALTER JAMES KUBON, et al.,
Defendants.

Case No. 18-cv-04788-PJH

**ORDER DENYING CONSIDERATION
OF DEFENDANTS' FILINGS**

Re: Dkt. No. 94-96

The court is in receipt of defendants' "Mandatory Judicially Noticed Prima Facie Evidence," Dkts. 94, 96, as well as their "Notice of Stay of Proceedings," Dkt. 95. As previously and repeatedly indicated, this action is on appeal before the United States Circuit Court for the Ninth Circuit ("Ninth Circuit"). U.S. v. Kubon et al., 19-16059. The filing of a notice of appeal divests a district court of jurisdiction to consider aspects of the case involved in the appeal. Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.").

The court will not consider any future filings unless this case is remanded by the Ninth Circuit.

IT IS SO ORDERED.

Dated: December 17, 2019

/s/ Phyllis J. Hamilton
PHYLLIS J. HAMILTON
United States District Judge